WP No. 1580 (SS) 2004

Hon'ble M.M. Ghildiyal, J

Civil Misc. Application No. 634 of 2005.

Heard Sri Vinay Kumar, who is holding brief of Sri S.S. Chauhan, learned counsel for the petitioner and Sri D.S. Patni learned counsel for the respondents no. 1 and 2 and Sri Sudhir Singh, learned counsel for the respondent no. 3.

Both the parties are agreed to decide the writ petition at its admission stage itself.

Learned counsel for both the parties have submitted that the controversy raised in the present writ petition is squarely covered by the judgement dated 5.10.2001 of this court passed in Writ Petition No. 860 (SB) of 2001 (Sukh Dev Vs. State of Uttaranchal and others).

Learned counsel for the respondents is also agreed that the case is squarely covered by the aforesaid judgement provided that the option of the petitioner submitted before the Department is found to be genuine.

In view of the aforesaid statement, the writ petition is decided in terms of Judgement dated 5.10.2001 passed by this court in Writ Petition No. 860 (SB) of 2001 (Sukh Dev Vs. State of Uttaranchal and others) provided that the option of the petitioner submitted before the Department is found to be genuine.

(**M.M. Ghildiyal, J**)

03.03.2005
S.K.S